

SENATE BILL 196
By Henry

AN ACT to amend Tennessee Code Annotated, Title 71, Chapter 5, Part 14, relative to long-term care.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-1401(6), is amended by deleting the subdivision in its entirety, and by substituting instead the following language:

(6) Tennessee should develop and implement a comprehensive long-term care system, which includes all of the services defined as home-and community-based services in §71-5-103, responsive to the needs of all Tennesseans regardless of age, disability or economic status;

SECTION 2. Tennessee Code Annotated, Section 71-5-1401, is further amended by deleting the word "and" at the end of subdivision (6) and by adding the following language as a new subdivision (7) and by redesignating the present subdivision (7) as subdivision (8):

(7) Although the comprehensive long-term care system may not initially meet the demand for services, it is vital that it be built to offer the full continuum of home-and community-based services, subject to the case management decisions described in §71-5-1402(e)(9), in order to maximize the options available to institutional nursing home care; and

SECTION 3. Tennessee Code Annotated, Section 71-5-1406, is amended by deleting the language “sixty (60) days” and by substituting instead the language “thirty (30) days”.

SECTION 4. Tennessee Code Annotated, Section 71-5-1403, is amended by designating the existing language as subsection (a), and by adding the following language as a new subsection (b):

(b) Because services funded through a Section 1915(c) waiver are available in order to assist the enrolled individuals in avoiding publicly-funded institutional nursing home care, any individual expenditure limit set within the waiver must be no less than seventy-five percent (75%) of the average total cost of publicly-funded institutional nursing home care. Whenever possible, waiver expenditure limits shall comply with federal law by utilizing an aggregate expenditure limit, rather than an individual expenditure limit.

SECTION 5. This act shall take effect July 1, 2003, the public welfare requiring it.